

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: CREDIT SUISSE -- AOL
SECURITIES LITIGATION

ORAL ARGUMENT REQUESTED

This document relates to:
ALL ACTIONS

Lead Case No. 1:02cv12146-NG
(Judge Gertner)

**DEFENDANT FRANK P. QUATTRONE'S
MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1, defendant Frank P. Quattrone moves for summary judgment as to Count II, the one claim that remains pending against him. The grounds for this Motion are set forth in the accompanying memorandum of law, affidavit, appendix, and supporting exhibits. Additional grounds are set forth in the motion for summary judgment and supporting documents filed by Credit Suisse Securities (USA) LLC, Credit Suisse (USA), Inc., Credit Suisse Securities (USA) LLC, Credit Suisse (USA), Inc., Mr. Kiggen and Ms. Martin, which Mr. Quattrone adopts and incorporates herein by reference.

As set forth in the accompanying memorandum of law, summary judgment should be granted under the statutory defense to control person liability under Section 20(a) of the Exchange Act, 15 U.S.C. §78t(a), because Mr. Quattrone (*i*) acted in "good faith" (that is, "non-recklessly") and (*ii*) did not "induce" the underlying primary violations of Section 10(b). Therefore, as a matter of law, the Court must dismiss Count II, Plaintiff's Section 20(a) "control person" claim against him.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), Mr. Quattrone respectfully requests that the Court grant a hearing on his Motion for Summary Judgment.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

Counsel for Mr. Quattrone certifies that he has attempted in good faith to resolve or narrow the issues raised in this Motion, but has been unable to do so.

/s/ Timothy Perla
Timothy J. Perla

WHEREFORE, defendant Frank P. Quattrone respectfully requests that the Court:

- (i) Grant his Motion for Summary Judgment and enter Final Judgment for him and against Plaintiff on Count II, the only remaining claim against him; and
- (ii) Grant such further relief as is fair and just.

Respectfully submitted,

FRANK P. QUATTRONE,

By his attorneys,

/s/ Timothy Perla
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Dated: November 4, 2008

CERTIFICATE OF SERVICE

I, Timothy Perla, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Timothy Perla
Timothy Perla

Dated: November 4, 2008